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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,706

01/08/2007

Saskia Lehmann

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EXAMINER

SELLERS, ROBERT E

ART UNIT

PAPER NUMBER

1765

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DELIVERY MODE

03/25/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,706	Applicant(s) LEHMANN ET AL.	
	Examiner ROBERT SELLERS	Art Unit 1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-11, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The texts of the basis for obviousness-type double patenting and section 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed December 18, 2000.

Claims 1, 4-11, 28 and 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8, 9, 12, 13, 15-17 and 24 of copending application no. 11/649,728. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reasons of record set forth in the previous Office actions.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

1. The photoinitiator in the claims of the copending application includes Darocure 1173 used in Example 1 on page 16, the table in paragraph 68 which is 2-hydroxy-2-methyl-1-phenyl-1-propanone according to page 10, paragraph 44, thereby corresponding to the newly claimed species of photoinitiator in independent claims 1 and 29, lines 11-12.

Claims 1, 4-11, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama et al. Patent No. 5,118,567 and Noguchi et al. Patent No. 5,476,752.

2. Komiyama et al. (col. 5, lines 4-5 and 7, benzophenone) and Noguchi et al. (col. 15, lines 41-42, 45 and 58-59, benzophenone and 2-hydroxy-2-methyl-1-phenylpropane-1-one) discloses species within the claims designated as photopolymerization initiator and radical polymerization initiators, respectively.

Claims 1, 4-11, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. 1,086,403 in view of Knell et al. Patent No. 5,346,933 and Kamen et al. Patent No. 5,656,336.

3. The European patent (page 7, lines 30 and 36) sets forth free-radical photoinitiators including benzophenone.

The rejection is maintained for the reasons of record set forth in the previous Office actions. The arguments filed March 22, 2011 have been considered but are unpersuasive.

4. The epoxy acrylate photopolymerizable low molecular weight compound of Komiyama et al. (col. 4, line 31) is not an oligomer but a low molecular weight compound within both the claimed epoxy acrylate other resin and UV hardening monomer. More favorable consideration would be given to the limitation of the UV hardening monomer to "a UV hardening monomer other than the melamine acrylate, acid-modified polyester acrylate and epoxy acrylate. The species of UV hardening monomers on page 5, lines 4-15 of the specification do not include the claimed species of other resin, thereby providing support for the suggested language.

5. Independent claims 1 and 29 do not preclude the Lewis acid-generating polymerization initiator of Noguchi et al.

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6. Independent claims 1 and 29 do not preclude the cationic initiator of the European patent.

7. The secondary references of Knell et al. and Kamen et al. need not recite every claimed feature; otherwise, they would have been applicable as primary references.

The motivation to employ the prior art bisphenol A epoxy resins with molecular weights of 1075 (Knell et al., col. 6, Examples 1 and 2, Epon 1001F and Polysciences, Inc. data sheet) and from 800-1200 (Kamen et al., col. 4, lines 6-8 as the bisphenol A epoxy resins of the European patent in order to enhance the adhesion to glass is a viable objective consistent with the liquid formulations thereof.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

(571) 272-1093 (Fax No. (571)-273-8300)
Monday to Friday, 9:30 to 6:00

/Robert Sellers/
Primary Examiner
Art Unit 1765

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3/24/2011